

1 Michael J. Nuñez, Esq.
Nevada Bar No. 10703
2 Ian M. McMenemy, Esq.
Nevada Bar No. 13190
3 **MURCHISON & CUMMING, LLP**
6900 Westcliff Drive, Suite 605
4 Las Vegas, Nevada 89145
Telephone: (702) 360-3956
5 Facsimile: (702) 360-3957
mnunez@murchisonlaw.com
6 imcmenemy@murchisonlaw.com

7 Attorneys for *Advantage Sales & Marketing LLC*

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**
11

12 ROBBIN L. LOLOGO, an individual; and
13 VINCENT J. LOLOGO, an individual,

14 Plaintiffs,

15 v.

16 WAL-MART STORES, INC., a Delaware
corporation d/b/a WAL-MART
17 SUPERCENTER STORE # 1834;
ADVANTAGE SALES & MARKETING
18 LLC; and DOES I-X, inclusive; and ROE
CORPORATIONS I through X, inclusive,

19 Defendants.

20 WAL-MART STORES, INC., a Delaware
corporation,

21 Cross-Claimant,

22 v.

23 ADVANTAGE SALES & MARKETING
24 LLC, a foreign corporation; ROE
CORPORATIONS I through XX; and
25 DOES I through XX, inclusive,

26 Cross-Defendants.
27

28 ///

CASE NO. 2:13-cv-01493-GMN-PAL

**JOINT PRETRIAL STATEMENT AND
ORDER DENYING THE SAME WITHOUT
PREJUDICE**

1 Following pretrial proceedings in this cause,

2 IT IS SO ORDERED:

3 **I.**

4 **JOINT STATEMENT OF THE CASE**

5 This case involves a slip and fall matter occurring on August 7, 2011 at Defendant, Wal-
6 Mart Stores Inc.'s ("Walmart"), Store # 1834, in Grants Pass, Oregon. On this date, Plaintiff,
7 Robbin L. Lologo ("Mrs. Lologo"), was shopping at the Walmart Store. Mrs. Lologo alleges she
8 slipped and fell on a substance on the floor, which is believed to be applesauce, while walking
9 around the main aisle way in front of register 9. Mrs. Lologo and her husband, Mr. Lologo, filed
10 suit against Walmart alleging negligence and that Walmart owned, occupied, controlled, and
11 managed Walmart Store # 1834. Around the time of the fall, Advantage Sales & Marketing,
12 LLC ("ASM") was conducting a promotional event in Walmart store # 1834, including the
13 demoing of applesauce pursuant to an In-Store Promotions Agreement entered into between
14 Walmart and ASM.

15 **II.**

16 **STATEMENT OF JURISDICTION**

17 Jurisdiction exists pursuant to 28 U.S.C. §1332(a) and § 1441(a).

18 **III.**

19 **THE FOLLOWING FACTS ARE ADMITTED BY THE PARTIES AND REQUIRE NO**
20 **PROOF**

21 1. Plaintiffs, ROBBIN L. LOLOGO and VINCENT J. LOLOGO, are and were at all
22 times relevant herein, citizens of the State of Nevada.

23 2. Defendant, WAL-MART STORES, INC. is, and was at the time of these actions
24 were commenced, a Delaware corporation with its principal place of business in the State of
25 Arkansas, and thus is a citizen of the State of Delaware and a citizen of the State of
26 Arkansas.

27 ///

28 ///

3. Defendant, ADVANTAGE SALES & MARKETING, LLC is, and was at the time of these actions were commenced, a California limited liability company with its principal place of business in the State of California, and thus is a citizen of the State of California.

4. On August 7, 2011, Mrs. Lologo slipped and fell on a substance on the floor at Walmart store #1834 in Grants Pass, Oregon.

5. On July 12, 2013, Plaintiffs filed their Complaint against Walmart in Nevada's State Court alleging claims for Negligence, Negligent Hiring and Supervision, Loss of Consortium, and Negligence Per Se.

6. Walmart was served with process on July 31, 2013, and then subsequently filed a petition for removal to U.S. District Court on August 20, 2013.

7. On August 20, 2013, Walmart filed its Answer to Plaintiffs' complaint.

8. A proposed joint discovery plan and scheduling order was filed by the parties on September 23, 2013.

9. On September 27, 2013, the Court entered the scheduling order in this case.

10. On January 13, 2014, Plaintiffs and Walmart filed their first Stipulation to Extend the scheduling order deadlines. The Court entered the Order modifying the original scheduling order on January 15, 2014.

11. On March 19, 2014, Plaintiffs and Walmart filed their second stipulation to extend the scheduling order deadlines. The Court entered the Order modifying the scheduling order as outlined in the second stipulation on April, 1, 2014.

12. On May 29, 2014, Plaintiffs filed a Motion requesting leave to file their First Amended Complaint adding ASM as a defendant in this action. The Court granted Plaintiffs' request on July 15, 2014.

IV.

THE FOLLOWING FACTS, THOUGH NOT ADMITTED, WILL NOT BE CONTESTED AT TRIAL BY EVIDENCE TO THE CONTRARY

1. Mrs. Lologo slipped and fell in the main aisle way in front of register number nine at Walmart store # 1834.

2. That Mr. Lologo is the lawful spouse of Mrs. Lologo.

3. ASM was conducting a promotional event and demoing applesauce at Walmart store #1834 on the date of the Incident.

V.

**THE FOLLOWING ARE THE CONTENTIONS OF FACT AND ISSUES OF LAW TO BE
OFFERED BY PLAINTIFFS UPON TRIAL**

1. The alleged location of Mrs. Lologo's fall on August 7, 2011.

2. The proximate cause of the alleged injuries to Mrs. Lologo on August 7, 2011.

3. The extent of Mrs. Lologo's alleged injuries as a result of her fall at Walmart store #1834.

4. The person(s) or parties responsible for the alleged dangerous conditions which caused her fall, injuries and damages.

5. The alleged damages incurred by Plaintiffs, including past and future wage loss, medical expenses, pain and suffering, loss of consortium, loss of enjoyment of life, inconvenient, costs, attorney's fees, pre-judgment and post-judgment interest, and punitive damages.

6. Walmart's and ASM's alleged duties to maintain the Walmart Store #1834 and provide adequate training and supervision over their employees and/or other persons.

7. The extent Walmart and ASM allegedly breached any duties to Plaintiffs.

8. The proximate cause of any alleged failures by Walmart and ASM to provide adequate training and supervision over their employee and/or other persons.

9. The proximate cause of any alleged damages caused by Walmart and/or ASM's negligence resulting in injuries to Mr. Lologo.

VI.

THE FOLLOWING ARE THE CONTENTIONS OF FACT AND ISSUES OF LAW TO BE
OFFERED BY WAL-MART UPON TRIAL

1. The amount of any alleged comparative negligence of Plaintiffs.

2. The alleged location of Mrs. Lologo's fall.

1 3. Walmart's alleged efforts to supervise and train its employees.

2 4. The alleged lack of knowledge by Walmart regarding any substance which
3 caused Mrs. Lologo's fall on August 7, 2011.

4 5. The person(s) or parties responsible for the alleged dangerous condition which
5 caused Mrs. Lologo's fall, injuries and damages.

6 6. Walmart's alleged efforts to discharge its duty to maintain the premises in a
7 reasonably safe condition for use.

8 **VII.**

9 **THE FOLLOWING ARE THE CONTENTIONS OF FACT AND ISSUES OF LAW TO BE**
10 **OFFERED BY ASM UPON TRIAL**

11 1. The alleged location of Mrs. Lologo's alleged fall on August 7, 2011.

12 2. The alleged location of ASM's promotional event on August 7, 2011.

13 3. The alleged lack of knowledge by ASM regarding any of its applesauce
14 allegedly being spilled on the floor in the areas surrounding its promotional event.

15 4. The amount of any alleged comparative negligence of Plaintiffs.

16 5. The distance between ASM's promotional event and Mrs. Lologo's fall.

17 6. ASM's alleged efforts to supervise and train its employees.

18 7. The person(s) or parties responsible for the alleged dangerous condition which
19 caused Mrs. Lologo's fall, injuries and damages.

20 **VIII.**

21 **THE FOLLOWING DOCUMENTS MAY BE PRESENTED BY THE PARTIES AT TRIAL**

22 1. Wal-Mart Store #1834 Floor Plan

23 2. Wal-Mart In-Store Promotions Agreement

24 3. Wal-Mart Event Manual

25 4. Wal-Mart Promotional Event Guidelines

26 5. Plaintiff's Computation of Damages

27 6. Medical Records and Bills from: American Medical Response, Three Rivers
28 Community Hospital, Dr. Babuk Ghuman, M.D., Nevada Spine Clinic, Advanced Orthopedics

1 and Sports Medicine, Dr. Timothy J. Trainor, D.O., Earle Chiropractic, Dr. Gregory L. Goetz,
2 D.O., Center for Spine & Special Surgery, Community Family Doctors, Dr. David M. Ross,
3 M.D., Smoke Ranch Surgery Center, LLC, Radar Medical Group, LLP, Dr. Russell Shah, Dr.
4 Louis F. Mortillaro, M.D., Synergy Laboratories, Inc., Jaswinder S. Grover, M.D., Dr. Hans Jorg
5 W. Rosler, M.D., Las Vegas Radiology, Las Vegas Pharmacy, CVS Pharmacy, Walgreens
6 Pharmacy, Lumbar Corset, Costco Prescriptions, Centennial Medical Imaging, Dr. Enrico
7 Fazzini, M.D., and Nevada Anesthesia Consultants.

8 7. Plaintiff Robbin L. Lologo's IRS Wage and Income Transcripts from 2003 – 2012.

9 8. Wal-Mart Store #1834 Incident Report

10 9. Photographs pertaining to the Incident

11 10. Wal-Mart Customer Statement

12 11. Witness Statement by Kira Sedivy

13 12. Customer Incident Photo Sheet

14 13. Video Request Form

15 14. Plaintiff Robbin L. Lologo's Social Security Earning Statements from 2007 –
16 present.

17 15. Expert Reports and supplements of Dr. McIntire, Dr. Reid, Robert Taylor, Robin
18 S. Caulfield, Vicki J. Schweitzer, Alex J. Balian, Dr. David O'Grady, Terrence Dinneen, Margo
19 Ogus, Dawn Cook and Dr. Enrico Fazzini.

20 16. Amended Complaint

21 17. Defendants' Answers to Amended Complaint

22 18. Three (3) Color Photos showing Robbin Lologo's Ankle in a Cast and Hospital
23 Identification Bracelet.

24 19. Photo of Walmart Store Manager "Paul" Business Card

25 20. Operative Report from Smoke Ranch Surgery Center/ Dr. Babuk Ghuman, M.D.,
26 dated March 8, 2012.

27 21. Operative Report from Smoke Ranch Surgery Center, dated September 6, 2012.

28 22. Robbin Lologo Functional Capacity Checklist given by Terrence B. Dinneen,

1 M.S., C.R.C., C.R.E.

2 23. Next Step Medical Bills and Records for Lumbar Corset DX724.2.

3 24. Operative Report from Smoke Ranch Surgery Center, dated December 5, 2013.

4 25. Operative Report from Smoke Ranch Surgery Center, dated April 24, 2014.

5 26. Plaintiff Robbin lologo's shoes worn at the time of the incident

6 27. All parties reserve the right to introduce/utilize any documents identified and/or
7 produced by any party, expert, and/or witness.

8 **IX.**

9 **THE FOLLOWING WITNESSES MAY BE CALLED BY THE PARTIES UPON TRIAL**

10 **PLAINTIFFS' WITNESSES:**

11 1. Casey Wiseman, Wal-Mart Manager and Person Most Knowledgeable regarding
12 Policies & Procedures, Wal-Mart Stores, Inc., c/o Brenda H. Entzminger, Esq., Phillips, Spallas
13 & Angstadt, LLC., 504 S. Ninth St., Las Vegas, Nevada 89101.

14 2. Robbin L. Lologo, Plaintiff, c/o Eric R. Blank, Esq., Law Offices of Eric Blank,
15 P.C., 7860 W. Sahara Ave., Suite 110, Las Vegas, Nevada 89117.

16 3. Vincent J. Lologo, Plaintiff, c/o Eric R. Blank, Esq., Law Offices of Eric Blank,
17 P.C., 7860 W. Sahara Ave., Suite 110, Las Vegas, Nevada 89117.

18 4. Person Most Knowledgeable for Wal-Mart Stores, Inc., c/o Brenda H.
19 Entzminger, Esq., Phillips, Spallas & Angstadt, LLC., 504 S. Ninth St., Las Vegas, Nevada
20 89101.

21 5. Kira Sedivy, witness, 1434 Daisy Lane, Grants Pass, Oregon 95727.

22 6. Person(s) Most Knowledgeable regarding Policies & Procedures for Wal-Mart
23 Stores, Inc., Store #1834, c/o Brenda H. Entzminger, Esq., Phillips, Spallas & Angstadt, LLC.,
24 504 S. Ninth St., Las Vegas, Nevada 89101.

25 7. Paul Mott, Wal-Mart Employee, Wal-Mart Stores, Inc., c/o Brenda H. Entzminger,
26 Esq., Phillips, Spallas & Angstadt, LLC., 504 S. Ninth St., Las Vegas, Nevada 89101.

27 8. Joshua M. Lologo, Plaintiffs' son, 2313 Dalton Ridge Court, North Las Vegas,
28 Nevada 89031.

1 9. James Lologo, Plaintiffs' son, 2313 Dalton Ridge Court, North Las Vegas,
2 Nevada 89031.

3 10. Marci Hopkinson, Plaintiffs' friend, 6312 Tanzanite Avenue, Las Vegas, Nevada
4 89130.

5 11. Shane Jordan, Plaintiffs' acquaintance, (address currently unknown).

6 12. Wal-Mart Male Security Guard (yet to be identified), Store #1834, Wal-Mart
7 Stores, Inc., c/o Brenda H. Entzminger, Esq., Phillips, Spallas & Angstadt, LLC., 504 S. Ninth
8 St., Las Vegas, Nevada 89101.

9 13. Wal-Mart Cashier on Check Stand #9 (yet to be identified), Store #1834, Wal-
10 Mart Stores, Inc., c/o Brenda H. Entzminger, Esq., Phillips, Spallas & Angstadt, LLC., 504 S.
11 Ninth St., Las Vegas, Nevada 89101.

12 14. Female Wal-Mart Cashier who approached Plaintiff, Robbin L. Lologo after
13 subject incedent (yet to be identified), Store #1834, Wal-Mart Stores, Inc., c/o Brenda H.
14 Entzminger, Esq., Phillips, Spallas & Angstadt, LLC., 504 S. Ninth St., Las Vegas, Nevada
15 89101.

16 15. Person Most Knowledgeable for Advantage Sales & Marketing, LLC, c/o Michael
17 J. Nunez, Esq., Murchison & Cumming, LLP, 6900 Westcliff Dr., Suite 605, Las Vegas, Nevada
18 89145.

19 16. Dawn L. Cook, RN, LNCP-C, CLCP, CLNC, Nurse Life Care Planner, 6440 Sky
20 Pointe Drive, #140-475, Las Vegas, Nevada 89131.

21 17. Terrance B. Dinneen, M.S., C.R.C., C.R.E., DeVinney & Dinneen Career &
22 Vocational Economic Services, Ltd., 445 Apple Street, Suite 205, Reno, Nevada 89502.

23 18. Alex J. Balian, MBA, Balian & Associates, Inc., 6520 Platt Avenue, #807, West
24 Hills, California 91307.

25 19. Dr. Enrico Fazzini, D.O., Ph.D., F.A.C.N., 275 Rockaway Turnpike, Lawrence,
26 New York 11559.

27 20. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
28 Records for American Medical Response, P.O. Box 3429, Modesto, California 95353.

1 21. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
2 Records for Three Rivers Community Hospital, 500 SW Ramsey Avenue, Grants Pass, Oregon
3 97527.

4 22. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
5 Records for Babuk Ghuman, M.D., Nevada Spine Clinic, 7140 Smoke Ranch Road, Suite 150,
6 Las Vegas, Nevada 89128.

7 23. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
8 Records for Advanced Orthopedics and Sports Medicine, Dr. Timothy J. Trainor, D.O., 8420 W.
9 Warm Springs, Suite 100, Las Vegas, Nevada 89113.

10 24. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
11 Records for Nevada Anesthesia Consultants, LLP., P.O. Box 81200, Las Vegas, Nevada
12 89180.

13 25. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
14 Records for Earle Chiropractic, 3585 S. Durango Dr., Suite 103, Las Vegas, Nevada 89147.

15 26. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
16 Records for Dr. Gregory L. Goetz, D.O., Center for Spine & Special Surgery, 7140 Smoke
17 Ranch Road, Las Vegas, Nevada 89128.

18 27. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
19 Records for Community Family Doctors, 4500 W. Oakey Blvd., Las Vegas, Nevada 89102.

20 28. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
21 Records for Dr. David M. Ross, M.D., Nevada Spine Clinic, 7140 Smoke Ranch Road, Las
22 Vegas, Nevada 89128.

23 29. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
24 Records for Smoke Ranch Surgery Center, LLC, 7180 Smoke Ranch Road, Las Vegas,
25 Nevada 89128.

26 30. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
27 Records for Radar Medical Group, LLP, Dr. Russell Shah, 2628 W. Charleston Blvd., Las
28 Vegas, Nevada 89102.

1 31. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
2 Records for Louis F. Mortillaro, Ph.D., 501 S. Rancho Drive, Suite F37, Las Vegas, Nevada
3 89106

4 32. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
5 Records for Synergy Laboratories, Inc., 4161 S. Eastern Avenue, Suite A-6, Las Vegas,
6 Nevada 89119.

7 33. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
8 Records for Dr. Jaswinder S. Grover, M.D., Nevada Spine Clinic, 7140 Smoke Ranch Road,
9 Suite 150, Las Vegas, Nevada 89128.

10 34. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
11 Records for Spine & Special Surgery, 7140 Smoke Ranch Road, Suite 150, Las Vegas,
12 Nevada 89128.

13 35. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
14 Records for Hans Jorg W. Rosler, M.D., Nevada Spine Clinic, 7140 Smoke Ranch Road, Suite
15 150, Las Vegas, Nevada 89128.

16 36. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
17 Records for Las Vegas Radiology, Dr. Jeffrey Markham, M.D., Dr. Bhuvana Kittusamy, M.D.,
18 7500 Smoke Ranch Road, Las Vegas, Nevada 89128.

19 37. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
20 Records for Las Vegas Pharmacy, 2600 W. Sahara Avenue, Suite 120, Las Vegas, Nevada
21 89102.

22 38. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
23 Records for CVS Pharmacy, 5545 El Camino AL Norte, North Las Vegas, Nevada 89031.

24 39. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
25 Records for Walgreens Pharmacy, 5817 Clay Ridge Road, North Las Vegas, Nevada 89031

26 40. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
27 Records for Orthopedic Motion, Inc., 2800 E. Desert Inn Road, Suite 250, Las Vegas, Nevada
28 89121.

1 41. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
2 Records for Next Step Medical, Dept. 3432, Los Angeles, California 90084.

3 42. Treating Physician and/or Person Most Knowledgeable and/or Custodian of
4 Records for Costco Pharmacy, 6555 N. Decatur Blvd., Las Vegas, Nevada 89131

5 Plaintiffs reserve the right to call any witness(es), expert(s), and/or treating physician(s)
6 identified by Walmart, Walmart's records, ASM, ASM's records or any other party.

7 **WALMART'S WITNESSES:**

8 1. Casey Wiseman, Wal-Mart Employee, Wal-Mart Stores, Inc., c/o Brenda H.
9 Entzminger, Esq., Phillips, Spallas & Angstadt, LLC., 504 S. Ninth St., Las Vegas, Nevada
10 89101.

11 2. Paul Mott, Wal-Mart Employee, Wal-Mart Stores, Inc., c/o Brenda H. Entzminger,
12 Esq., Phillips, Spallas & Angstadt, LLC., 504 S. Ninth St., Las Vegas, Nevada 89101.

13 3. Dr. Steven L. McIntire, M.D., Ph.D., Neurologist, 11030 White Rock Road, Suite
14 110, Rancho Cordova, California 95670.

15 4. Dr. Michael H. Reid, Ph.D., M.D., Michael H. Reid Consulting Services, 3090
16 Barberry Lane, Sacramento, California 95864.

17 5. Dr. David O'Grady, Ph.D, A.B.P.P., Clinical Neuropsychologist, 11030 White
18 Road, Suite 110, Rancho Cordova, California 95670.

19 6. Robert H. Taylor, M.A., L.P.C., C.R.C., C.D.M.S., C.L.C.P., Vocational
20 Diagnostics, Inc., 3030 N. Central Ave., Suite 406, Phoenix, Arizona 85012.

21 7. Vicki J. Schweitzer, R.N., B.S.N, C.H.C.Q.M., C.P.C., Exam Works, 1160
22 Industrial Street, Redding, California 96002.

23 8. Margo R. Ogus, Ph.D., Economic Solutions, Inc., 1000 Elwell Court, Suite 214,
24 Palo Alto, California 94303.

25 Defendant Walmart reserves the right to call any witness(es), expert(s), and/or treating
26 physician(s) identified by Plaintiffs, Plaintiffs' records, ASM, ASM's records or any other party.

27 ///

28 ///

ASM'S WITNESSES:

1. Person Most Knowledgeable for Advantage Sales & Marketing, LLC, c/o Michael J. Nunez, Esq., Murchison & Cumming, LLP, 6900 Westcliff Dr., Suite 605, Las Vegas, Nevada 89145.

2. Person Most Knowledgeable for Wal-Mart Stores, Inc., c/o Brenda H. Entzminger, Esq., Phillips, Spallas & Angstadt, LLC., 504 S. Ninth St., Las Vegas, Nevada 89101.

3. Robbin L. Lologo, Plaintiff, c/o Eric R. Blank, Esq., Law Offices of Eric Blank, P.C., 7860 W. Sahara Ave., Suite 110, Las Vegas, Nevada 89117.

4. Vincent J. Lologo, Plaintiff, c/o Eric R. Blank, Esq., Law Offices of Eric Blank, P.C., 7860 W. Sahara Ave., Suite 110, Las Vegas, Nevada 89117.

5. Kira Sedivy, witness, 1434 Daisy Lane, Grants Pass, Oregon 95727.

6. Paul Mott, Wal-Mart Employee, Wal-Mart Stores, Inc., c/o Brenda H. Entzminger, Esq., Phillips, Spallas & Angstadt, LLC., 504 S. Ninth St., Las Vegas, Nevada 89101.

7. Casey Wiseman, Wal-Mart Employee, Wal-Mart Stores, Inc., c/o Brenda H. Entzminger, Esq., Phillips, Spallas & Angstadt, LLC., 504 S. Ninth St., Las Vegas, Nevada 89101.

8. Lillian Boughton, Advantage Sales & Marketing Employee, c/o Michael J. Nunez, Esq., Murchison & Cumming, LLP, 6900 Westcliff Dr., Suite 605, Las Vegas, Nevada 89145.

9. Robin S. Caulfield, R.A., LEED AP BD&C, Rimkus Consulting Group, Inc., 1160 N. Town Center Drives, Suite 150, Las Vegas, Nevada 89144.

10. Dr. Steven L. McIntire, M.D., Ph.D., Neurologist, 11030 White Rock Road, Suite 110, Rancho Cordova, California 95670.

11. Dr. Michael H. Reid, Ph.D., M.D., Michael H. Reid Consulting Services, 3090 Barberry Lane, Sacramento, California 95864.

12. Robert H. Taylor, M.A., L.P.C., C.R.C., C.D.M.S., C.L.C.P., Vocational Diagnostics, Inc., 3030 N. Central Ave., Suite 406, Phoenix, Arizona 85012.

///

XI.

ESTIMATED TIME FOR TRIAL

It is estimated that the trial herein will take a total of 5-7 days.

DATED: June 1, 2015

LAW OFFICES OF ERIC R. BLANK, P.C.

By /s/ Eric R. Blank
Eric R. Blank, Esq.
Nevada Bar No. 6910
7860 W. Sahara Ave., Suite 110
Las Vegas, Nevada 89117
Attorneys for Plaintiffs

DATED: June 1, 2015

MURCHISON & CUMMING, LLP

By /s/ Ian M. McMenemy
Michael J. Nuñez, Esq.
Nevada Bar No. 10703
Ian M. McMenemy, Esq.
Nevada Bar No. 13190
6900 Westcliff Drive, Suite 605
Las Vegas, Nevada 89145
Attorneys for Advantage Sales & Marketing, LLC

DATED: June 1, 2015

PHILLIPS, SPALLAS & ANGSTADT, LLC

By /s/ Brenda H. Entzminger
Brenda H. Entzminger, Esq.
Nevada Bar No. 9800
504 S. Ninth St.
Las Vegas, Nevada 89101
Attorneys for Wal-Mart Stores, Inc.

///

///

///

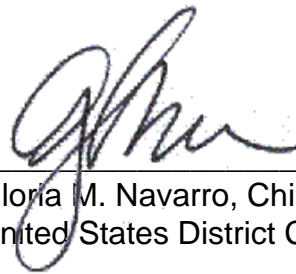
XII.

ACTION BY THE COURT

IT IS HEREBY ORDERED that the parties' proposed Joint Pretrial Order is **DENIED, without prejudice.**

IT IS FURTHER ORDERED that the parties are directed to comply with the Local Rules of Practice for the United States District Court, District of Nevada, specifically Local Rules 16-3 and 16-4.

IT IS SO ORDERED this 2nd day of June, 2015.

A handwritten signature in dark ink, appearing to read 'G. Navarro', is written over a horizontal line.

Gloria M. Navarro, Chief Judge
United States District Court